## REMARKS

Favorable reconsideration of this application as presently amended and in light of the following discussion is respectfully requested.

Claims 1-23 and 25-31, and 33-48 are pending in this case, Claims 39-48 having been previously withdrawn; Claim 32 having been cancelled without prejudice or disclaimer; and Claims 31, 35, and 38 having been amended. Support for amended Claims 31, 35, and 38 can be found in the original claims, drawings, and specification as originally filed.[1] No new matter has been added.

In the outstanding Office Action, Claims 1-4, 8-9, 11-18, 23-30, 33-34, and 36-37 were rejected under 35 U.S.C. §103(a) as unpatentable over Friz et al. (U.S. Patent No. 5,786,994, hereinafter "Friz") in view of Applicants' Background of the Invention (hereinafter "ABI"); Claims 5-7 were rejected under 35 U.S.C. §103(a) as unpatentable over Friz and ABI in view of Ridolfo (U.S. Patent No. 6,735,549); Claim 10 was rejected under 35 U.S.C. §103(a) as unpatentable over Friz and ABI in view of Kucek et al. (U.S. Patent No. 6,832,199, hereinafter "Kucek"); Claims 19-22 were rejected under 35 U.S.C. §103(a) as unpatentable over Friz and ABI in view of Babula et al. (U.S. Patent No. 6,381,557, hereinafter "Babula"); and Claims 31-32, 35 and 38 were rejected under 35 U.S.C. §103(a) as unpatentable over Ridolfo in view of ABI.

In response to the rejection of Claims 1-4, 8-9, 11-18, 23-30, 33-34, and 36-37 under 35 U.S.C. §103(a) as unpatentable over Friz in view of ABI, Applicants respectfully request reconsideration of the rejection and traverse the rejection as discussed next.

Independent Claim 1 is directed to a medical equipment management apparatus for managing medical equipment provided in a medical facility including, *inter alia*:

[1] See Claim 32.

> ...a prediction unit connected to the network, configured to calculate an expectancy of the parameter data to be received in the future based on the stored parameter data;....

Page 3 of the outstanding Office Action acknowledges that "Friz does not expressly disclose a prediction unit configured to calculate an expectancy of the parameter data to be received in the future based on the stored parameter data." To cure the above-noted deficiency, the Office Action relies on page 2, lines 8-11 of ABI, which states "...it is also known, in a general maintenance field, that a future expectancy is predicted based on measured values and an advance response is performed according to a comparison between the future expectancy and a predetermined reference value."

However, Applicants note that what is "known" to Applicants in Japan is not an admission as to what is known in the United States. Further, Applicants have attached a Declaration under 37 C.F.R. § 1.132 which states that the statement on page 2, lines 8-11 was made based ***on the inventors' knowledge and knowledge within their company in Japan***. In order to be "prior art," only knowledge in the United States under 35 U.S.C. § 102(a) ("the invention was known or used by others in this country...") is applicable. Thus, a mere admission of knowledge in Japan does not qualify as a "prior art" admission. The Declaration also states that to the inventors' knowledge, the above-statement did not refer to information that was known or used by others in the United States at the time of the invention or information contained in a publication in the United States, Japan, or another foreign country published at the time of the invention.

Page 15 of the outstanding Office Action cites MPEP 2129 and states that "a statement by an applicant during prosecution identifying the work of another as "prior art" is an admission that that work is available as prior art against the claims, regardless of whether the admitted prior art would otherwise qualify as prior art under the statutory categories of 35 U.S.C. 102." However, Applicants' specification does not classify the work of another as

"prior art." Page 2, lines 8-11 of Applicants' specification merely states that "it is also known, in a general maintenance field, that a future expectancy is predicted based on measured values and an advance response is performed according to a comparison between the future expectancy and a predetermined reference value." Thus, Applicant's specification does not contain a "prior art admission" as described in MPEP 2129.

Further, the above statement from page 2, lines 8-11 of the specification refers to the ***inventors'*** knowledge in Japan and not the knowledge of another individual. MPEP 2129.I. states that "even if labeled as 'prior art,' the work of the same inventive entity may not be considered prior art against the claims unless it falls under one of the statutory categories." Thus, because the statement in page 2, lines 8-11 refers to the inventor's knowledge and not the knowledge of another individual, the statement at page 2, lines 8-11 is not a "prior art" admission under MPEP 2129.

Accordingly, Applicants respectfully submit that Claim 1 is patentable.

Independent Claims 33-34 recite "calculating an expectancy of the parameter data to be received in the future based on the stored parameter data." Independent Claim 36 recites "a medical equipment management apparatus configured to calculate an expectancy of the parameter data to be received in the future based on the parameter data transmitted from the medical facility apparatus, to determine a value of the expectancy...." Lastly, independent Claim 37 recites "a medical equipment management apparatus configured to calculate an expectancy of the parameter data to be received in the future based on the parameter data transmitted from the medical facility apparatus...." Therefore, the arguments presented above with respect to Claim 1 are also applicable to Claims 33-34 and 36-37.

Thus, it is respectfully submitted that independent Claims 1, 33-34, 36-37 and all claims depending therefrom patentably distinguish over Friz and ABI.

Accordingly, Applicants respectfully request the rejection of Claims 1-4, 8-9, 11-18, 23-30, 33-34, and 36-37 under 35 U.S.C. §103(a) as unpatentable over Friz in view of ABI, be withdrawn.

In response to the rejection of Claims 31-32, 35, and 38 under 35 U.S.C. § 103(a), Applicants respectfully submit that amended independent Claims 31, 35, and 38 recite novel features clearly not taught or rendered obvious by the applied references. Support for amended Claims 31, 35, and 38 can be found in Claim 32.

Amended Claim 31 is directed to a medical equipment management apparatus for managing medical equipment including, *inter alia*:

> ... an informing unit configured to issue a notice to a second computer according to the determined date.

Independent Claims 35 recites "issuing a notice to a second computer according to the determined date." Independent Claim 38 recites "an informing unit configured to issue a notice to a second computer according to the determined date." Therefore the arguments presented below are also applicable to independent Claims 35 and 38.

Page 12 of the outstanding Office Action states that column 10, line 64 to column 11, line 25 of Ridolfo describes "issuing a notice to a workstation according to a date." Applicants respectfully disagree.

The above portion of Ridolfo describes that an interactive display associated with the Date-of-Failure Module is outputted on a video display unit 8. Thus, Ridolfo merely describes outputting a video signal to a video display unit. Ridolfo does not issue a ***notice*** to a ***second computer*** according to the determined date, as recited in Applicants' amended Claim 31. In Ridolfo, the video display unit is not another computer, and the outputted video signal is not a notice according to the determined date.

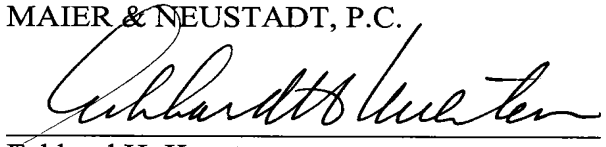
Accordingly, Applicants respectfully request the rejection of Claims 31-32, 35, and 38 under 35 U.S.C. § 103(a) be withdrawn.

With regard to the rejections of Claims 5-7, 10, and 19-22 under 35 U.S.C. § 103, Applicants note that these claims are dependent on Claim 1 and are believed to be patentable for at least the reasons discussed above. Further, it is respectfully submitted that none of Ribolo, Kucek, or Babula, considered alone or together in any proper combination, cure any of the above-noted deficiencies of Friz and ABI.

Consequently, in view of the present amendment, and in light of the above discussion, the pending claims as presented herewith are believed to be in condition for formal allowance, and an early and favorable action to that effect is respectfully requested.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.



Eckhard H. Kuesters
Attorney of Record
Registration No. 28,870

Derek P. Benke
Registration No. 56,944

Customer Number
22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
(OSMMN 06/04)

I:\ATTY\DPB\24's\243643US\243643US-AM3.DOC